



## CHESTERFIELD COUNTY ADMINISTRATIVE POLICIES AND PROCEDURES

**Department:** Human Resource Management  
**Subject:** Background Check - Juvenile Services Positions

**Policy Number:** 6-16  
**Supersedes:** 08/04/03  
**Date Issued:** 01/01/05

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### I. PURPOSE

The purpose of this administrative procedure is to implement Section 2-79 of the Chesterfield County Code which requires background checks on all applicants for employment who will provide services to juveniles and all current employees who provide services to juveniles. The purpose of the ordinance is to preserve the safety and well-being of children. Accordingly, the County will not employ individuals to work with children if they have demonstrated past conduct incompatible with service to or care of children.

### II. COVERED POSITIONS

This administrative procedure shall apply to any County position which the County Administrator determines is a position which services juveniles (Juvenile Services Position). The Department of Human Resource Management (HRM) shall maintain a list of Juvenile Services Positions and notify all department directors/office administrators of Juvenile Services Positions within their department.

### III. IMPLEMENTATION

- A. **New Hires for Juvenile Services Positions** – Each applicant offered a Juvenile Services Position shall be required, as a condition of their employment, to submit to fingerprinting and to execute a Release and Certification Form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information regarding such applicant. The Release and Certification Form is automated and available on HRM's intranet site. All persons hired for Juvenile Services Positions shall be given a conditional offer of employment and be permitted to begin work subject to completion of a satisfactory background check.
- B. **Current Employees in Juvenile Services Positions** – The County Administrator may implement a system-wide random criminal background check process for all Juvenile Services Positions if he deems such a process appropriate.
- C. Employees will receive a background check when promoted to a position in their own or another department or when applying for a transfer to another department. These employees must submit to fingerprinting and execute a Release and Certification Form to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information. Employees shall be given a conditional promotional or transfer offer and be permitted to start their new position subject to completion of a satisfactory background check.
- D. All employees must provide truthful, correct and complete information on the Release and Certification form. Failure to do so will result in disciplinary action up to and including termination.

### IV. APPLICABLE DATA BASES

HRM shall process each Release and Certification in order to receive national and state conviction information from the Central Criminal Record Exchange ("CCRE") maintained by the State Police; the Sex Offender and Crimes Against Minors Registry; the Court Access Information System ("CAIS") maintained by the Virginia Supreme Court; the Central Registry of Child Abuse through the State Department of Social Services; and other data bases legally accessible by the County.

## **V. BARRIER CRIMES/DISPOSITIONS**

No person shall be retained for employment in a Juvenile Services Position if the results of the background check show that the person has a child protective service founded sexual abuse disposition or has ever been convicted of any of the following crimes as set out in Title 18.2 of the *Code of Virginia* as may be amended or equivalent offenses in another state:

### **A. Crimes Against the Person**

1. Murder and manslaughter (§ 18.2-30 et seq.)
2. Malicious wounding by mob (§ 18.2-41)
3. Abduction (§§ 18.2-47A, -48)
4. Felony assault and bodily wounding (§ 18.2-51 et seq.)
5. Robbery (§ 18.2-58)
6. Carjacking (§ 18.2-58.1)
7. Extortion and other threats (§§ 18.2-59, -60)
8. Sexual assault (§ 18.2-61 et seq.)
9. Felony stalking (§ 18.2-60.3)

### **B. Crimes Against Property**

1. Felony arson (§ 18.2-77 et seq.)
2. Burglary (§ 18.2-89 et seq.)

### **C. Crimes Involving Health and Safety**

1. Felony conviction relating to distribution of drugs. (§18.2-247 et seq.)
2. Felony possession of drugs within eight (8) years of the date of application (§18.2-247 et seq.)
3. Drive-by shooting (§ 18.2-286.1)
4. Use of machine gun in a crime of violence (§ 18.2-289)
5. Aggressive use of machine gun (§ 18.2-290)
6. Use of sawed off shot gun in crime of violence (§ 18.2-300A)

### **D. Crimes Involving Morals and Decency**

1. Failing to secure medical attention for injured child (§ 18.2-314)
2. Pandering (§ 18.2-355)
3. Crimes against nature involving children (§ 18.2-361)
4. Taking indecent liberties with children (§§ 18.2-370, -370.1)
5. Abuse and neglect of children (§ 18.2-371.1)
6. Obscenity offenses (§ 18.2-374.1)
7. Possession of child pornography or electronic facilitation of pornography (§§ 18.2-374.1:1, -374.3)
8. Incest (§ 18.2-366)
9. Abuse and neglect of incapacitated adults (§ 18.2-369)
10. Employing or permitting a minor to assist in an act constituting an obscenity offense (§ 18.2-372 et seq.)

## **VI. ALL OTHER CRIMES/DISPOSITIONS**

All other convictions, child protective services dispositions, and any pending or past charges revealed through a background check for a Juvenile Services Position shall be considered on a case by case

basis to determine whether or not the past conduct of the employee is compatible with working with juveniles. Among other factors that may be considered, consideration shall be given to the nature and character of the conduct; how the past conduct relates to the particular functions of the employee's job; the length of time since the offending conduct; rehabilitation of the employee, if applicable; the employee's job performance record; and how such conduct affects the integrity of the workplace.

## **VII. DISSEMINATION OF RESULTS**

All background search information shall be accessed solely by HRM. At the conclusion of the background check an employee may review a copy of the results. If the search returns information regarding any employee, HRM and, as appropriate, the Department Director and the County Attorney, shall determine whether such information disqualifies the individual for employment in accordance with Sections V and VI. If the employee is disqualified, they will not be retained in a Juvenile Services position.

## **VIII. CONFIDENTIALITY**

HRM shall maintain the confidentiality of all records received pursuant to a background search and destroy such records after a final decision has been made to retain or terminate the employee.

## **IX. GRIEVANCE**

Any full-time, non-probationary employee disciplined as a result of a background search may grieve such discipline in accordance with the County's grievance procedure.

## **X. APPLICATION TO OTHER PROCEDURES**

This administrative procedure shall not affect the Police Chief's ability to suspend immediately any officer charged with any crime as authorized by Section 2.1-116 of the *Code of Virginia* or affect the police officers' and firefighters' bill of rights. The scope of the background search provided by this procedure shall not prohibit a broader background search on an employee as required or permitted by law.

**RELEASE AND CERTIFICATION  
BACKGROUND CHECK FOR JUVENILE SERVICE POSITIONS**

**1. PURPOSE.** The County will not employ individuals to work with children if they have ever abused or neglected a child or demonstrated criminal conduct incompatible with service to or care of children. If you have such a history, it is unlikely that you will be employed and you may lose your position working with children if you already hold one with the County. The County will check the criminal background of all applicants for employment after a conditional offer of employment has been made and will check the backgrounds of all existing employees who work with children. As a condition of your employment, you must sign the certification below and complete this form accurately, fully and truthfully.

Last Name	First	Middle
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Maiden name or any last name from previous marriages or all other names by which you have been known:

Social Security #	Sex	Race	Birth Date
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Current Address: Street	City	State	Zip
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Prior Addresses and Dates: Street	City	State	Zip	Dates
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Current Spouse: Last Name	First	Middle	Maiden	Sex	Race	Birth Date
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Previous Spouse: Last Name	First	Middle	Maiden	Sex	Race	Birth Date
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Full Names of Your Children (Include adult children, step children, foster children, children not living with you. Attach additional page if needed.)

Last	First	Middle	Sex	Race	Birth Date	Last	First	Middle	Sex	Race	Birth Date
Last	First	Middle	Sex	Race	Birth Date	Last	First	Middle	Sex	Race	Birth Date
Last	First	Middle	Sex	Race	Birth Date	Last	First	Middle	Sex	Race	Birth Date
Last	First	Middle	Sex	Race	Birth Date	Last	First	Middle	Sex	Race	Birth Date

**2. CERTIFICATION AND RELEASE.** I certify that I have never abused or neglected a child or committed a crime incompatible with service to or care of children. I also hereby certify that the information contained on this form is true, correct and complete to the best of my knowledge. Pursuant to Section 2.1-382 of the *Code of Virginia*, I authorize the release of personal information regarding me which is either found in the criminal history records maintained by the Virginia State Police or which is related to any disposition of founded child abuse/neglect in which I am identified as responsible for such abuse/neglect maintained by the Virginia Department of Social Services or any local department of social services.

Signature \_\_\_\_\_

**NOTARY**

City/County of \_\_\_\_\_

Commonwealth/State of \_\_\_\_\_

Acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_

Notary Public

My commission expires \_\_\_\_\_

**Pursuant to § 2-79 Chesterfield County Code and § 19.2-389, Code of Virginia, Chesterfield County hereby requests background checks on the individual identified above from the Criminal History Records, Sex Offender and Crimes Against Minors Registry, and the Department of Social Services Central Registry. This information is being used for current and prospective employees.**

**Mail Reply To:**

Chesterfield County Department of Human Resource Management, Attn: Doris Kron  
P. O. Box 40, Chesterfield, VA 23832  
804/717-6325

Agency Code \_\_\_\_\_

Job Title \_\_\_\_\_

Department \_\_\_\_\_

## CHILD PROTECTIVE SERVICES CENTRAL REGISTRY SEARCH

1. We are unable to determine at this time if the individual for whom a search has been requested is listed in the Central Registry.

This form should be returned with the following questions answered: \_\_\_\_\_

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Worker: \_\_\_\_\_

Date: \_\_\_\_\_

2. Based on information provided by local departments of social services, we have determined that \_\_\_\_\_

\_\_\_\_\_ is listed in the Central Registry of Founded Child Abuse/Neglect Investigations with a Founded disposition of child abuse/neglect. For more detailed information, contact the \_\_\_\_\_

\_\_\_\_\_ Department of Social Services at \_\_\_\_\_ STREET

\_\_\_\_\_ CITY STATE ZIP

in reference to Child Protective Services Case/File # \_\_\_\_\_.

3. As of this date, \_\_\_\_\_, the individual whose name was being searched is NOT identified in the Central Registry of Founded Child Abuse/Neglect Investigations as an involved caretaker with a Founded disposition of child abuse/neglect.

Signature of worker completing search: \_\_\_\_\_

Date: \_\_\_\_\_